

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA

v.

STEPHEN A. SCOTT,

Defendant.

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)
) **Criminal Action No.**
) **06-40006-FDS**
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**ORDER DENYING MOTION
FOR CERTIFICATE OF APPEALABILITY**

SAYLOR, J.

The motion of petitioner Stephen A. Scott for a certificate of appealability from the Court's order of March 18, 2013, denying petitioner's motion to vacate his sentence under 28 U.S.C. § 2255 is DENIED.

A Certificate of Appealability will issue only if the petitioner "has made a substantial showing of the denial of a constitutional right." § 2253(c)(2). This standard is satisfied by "demonstrating that jurists of reason could disagree with the district court's resolution of [petitioner's] constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)). That standard has not been satisfied here, as the Court concludes that jurists of reason could not disagree with the resolution of petitioner's constitutional claims and would not conclude that the issues presented are

adequate to deserve encouragement to proceed further.

So Ordered.

Dated: April 16, 2013

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge